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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,252	07/28/2000	Joseph Skeffington Wholey III	07470-050001	2390
20985	7590	09/07/2005	EXAMINER	
FISH & RICHARDSON, PC			AMINI, JAVID A	
12390 EL CAMINO REAL			ART UNIT	
SAN DIEGO, CA 92130-2081			PAPER NUMBER	

2672

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/627,252

Applicant(s)

WHOLEY III ET AL

Examiner

Javid A. Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 8-9, 11-14, 16-18, 21-22, 24-27, 29-31, 34-35, 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed 6/30/2005 have been fully considered but they are not persuasive.

Applicant on page 12 at lines 1-2 discloses the present application presents an approach to formalizing the parameterization of data flow graphs to allow runtime parameters.

Examiner's comment: Applicant mentioned the well-known term "parameterization" and discloses under summary of the invention as follows: "The invention formalizes the parameterization of data flow graphs to allow runtime parameters", a person skill in the art would have been recognized the term "parameterization" as used in modeling and prediction to represent processes that are not directly simulated, either because the corresponding equations are not included or because the processes are too small for the model resolution. Therefore, Applicant does not mention anything about the parameterization in the independent claims. Also Applicant does not set any values for the parameters in the independent claims. Applicant precisely writes the descriptions under remarks on page 12, contrary the independent claims' languages are very broad, and Examiner desires the Applicant incorporates some of the narrowed limitations in independent claims.

Applicant on page 13 at first paragraph argues that the reference Stanfill 072 fails to teach each elements a-g of claim 1, 14 or 27.

Examiner's reply: In respect to section (a) of claim 1: programmatically retrieving a runtime parameter .. Clearly Stanfill 072 at col. 13, lines 56-57 teaches that programs may consult this

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link file at run-time to determine which links they must access. Another words, programmatically retrieving the runtime parameter.

Applicant on the same page lines 14-15 argues the reference Stanfill 072 makes no mention, directly or indirectly,...

Examiner's reply: Applicant does not mention the terms directly or indirectly in the independent claims. However, Stanfill 072 at col. 1 lines 49-50 teaches that the method and apparatus by which a graph can be used to invoke computations directly. As Applicant claims in section (b) ... provided by user input or is to be externally .. Examiner's interpretations: the terms "externally" and "user input" can be interpreted as "directly".

Applicant on the same page lines 23-28 argues that Stanfill 072 executes a graph at design time, not runtime.

Examiner's reply: Stanfill 072 at col. 14, lines 53-56 teaches the system determines that a process has terminated normally, it may optionally enter a "debugging" routine to allow the user to diagnose the reason for the abnormal termination. This part of the work is where the user accesses some of the parameterization data. Applicant requires to be using more specific terms in the claim.

Examiner's reply regarding Applicant's argument on page 14 lines 4-8. That the reference Stanfill 072 at col. 14, lines 60-64 teaches, if the system determines a process terminated normally (i.e. final parameter for the phase I), it will note this fact and wait for more processes to terminate. When all processes have terminated normally, the system proceeds to cleaning-up

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Phase I. A person skill in the art would have been recognized the cleaning up of phase I as modifying the application. Applicant does not specify how to modify the application. Examiner refers Applicant to read col. 17, lines 10-15 that the graph is executable. A link file will be created (not shown), then the indicated links will be launched, and the runnable process vertices will be launched.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3-5, 8-9, 11-14, 16-18, 21-22, 24-27, 29-31, 34-35, 37-39 rejected under 35 U.S.C. 102(a) as being anticipated by Stanfill et al. (hereinafter refers as a Stanfill).

1. Claim 1,

Stanfill in col. 10 lines 12-18 discloses the step of “a method for modifying a graph representing an executable computer application, the graph having vertices representing components and links between components indicating flows of data between such components the graph further having components with parameters, including.” Stanfill in cols. 13-14 lines 53-67 and lines 1-2 respectively discloses the steps of “a” and “b” as follows: “(a) Programmatically retrieving a runtime parameter for the graph at runtime execution of the graph, the runtime parameter having a value defined as determinable at runtime execution of the graph, (b) determining whether the value for the runtime parameter is to be provided by user input or is to be externally supplied programmatically;” Stanfill in col. 8 lines 33-55 discloses

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the step of following limitation “(c) displaying a prompt to a user for receiving user input for every runtime parameter so determined to be provided by user input;”. Stanfill in col. 8 lines 14-67 discloses the step of “(d) retrieving any externally supplied value for every runtime parameters determined to be externally supplied programmatically;”. Stanfill in col. 17 lines 17-23 discloses inherently the step of “(e) determining a final parameter value based on one of the user input to such prompt or such externally supplied value or a default value;”. Stanfill in cols. 16-17, line 67; lines 1-9 respectively teaches inherently the step of “(f) modifying the application represented by the graph using the final parameter value as the value for the runtime parameter”. Stanfill in col. 17 lines 30-43 discloses inherently the step of “(g) executing the application represented by the modified graph”.

2. Claim 3,

The following step is inherent “providing an interface, which permits designating a parameter of a graph component as a runtime parameter”.

3. Claim 5,

The following limitation is inherent “the expression computes metadata”.

4. Claim 8,

The following step is inherent “displaying the prompt depends upon evaluation of user input to a prior displayed prompt”.

5. Claims 9, 12, 14, 22, 25, 27, 35 and 38

The rejection of claim 1 applies to rejection of claims 9, 12, 14, 22, 25, 27, 35 and 38

6. Claims 11, 13, 16, 24, 26, 29, 37 and 39

The rejection of claim 3 applies to rejection of claims 11, 13, 16, 24, 26, 29, 37 and 39.

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7. Claims 17 and 30

The rejection of claim 4 applies to rejection of claims 17 and 30.

8. Claims 18 and 31

The rejection of claim 5 applies to rejection of claims 18 and 31.

9. Claims 21 and 34

The rejection of claim 8 applies to rejection of claims 21 and 34.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jeffrey D. Bries*  
JEFFREY D. BRIES  
PRIMARY EXAMINER

Javid A Amini  
Examiner  
Art Unit 2672

Javid Amini